

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
School Administrative Unit 41)	File No. SLD-356431
Hollis, New Hampshire)	
)	
River Trails School District 26)	File No. SLD-376633
Mt. Prospect, Illinois)	
)	
Hyde Leadership Public Charter School)	File No. SLD-381717
Washington, DC)	
)	
Sacred Heart School)	File No. SLD-365343
Shawano, Wisconsin)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: February 2, 2005

Released: February 3, 2005

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration Requests for Review filed by School Administrative Unit 41, Hollis, New Hampshire; River Trails School District 26, Mt. Prospect, Illinois; Hyde Leadership Public Charter School, Washington, DC, and Sacred Heart School, Shawano, Wisconsin (collectively, Petitioners) seeking review of decisions by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ For a review of decisions by SLD, appeals to SLD must be filed within 60 days of the issuance of the SLD decision date.² Here, Petitioners filed their appeals to SLD after the 60-day period, in contravention of Commission rules. We therefore deny their Requests for Review.

2. To the extent that Petitioners additionally seek waivers of Commission rules concerning filing deadlines, we also deny those requests.³ Waiver is appropriate only if special circumstances

¹ Letter from Kenneth L. DeBenedictis, School Administrative Unit 41, Hollis, New Hampshire, to Federal Communications Commission, filed March 8, 2004; Letter from Mary Brown, River Trails School District 26, Mt. Prospect, Illinois, to Federal Communications Commission, filed April 12, 2004; and Letter from Wendy Smith, Hyde Leadership Public Charter School, Washington, DC, to Federal Communications Commission, filed May 4, 2004; Letter from Kara Skarlupka, Sacred Heart School, to Federal Communications Commission, filed June 30, 2004 (Requests for Review). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² 47 C.F.R. § 54.720(b). *See Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9221, paras. 55-56 (2003).

³ 47 C.F.R. § 54.720(a)-(b).

warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.⁴ Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.⁵ As we have consistently held in the past, applicants are responsible for submitting their appeals in a timely manner and complying with program rules and procedures.⁶ Employee misunderstandings about whether an application was approved or due to personnel changes do not relieve applicants of their responsibility to understand and comply with the program rules or procedures.⁷ In keeping with our prior decisions, we determine that Petitioners have not demonstrated the special circumstances necessary for a waiver of our rules.

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3 and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3 and 54.722(a), that the Requests for Review filed on March 8, 2004, by School Administrative Unit 41, Hollis, New Hampshire; on April 12, 2004, by River Trails School District 26, Mt. Prospect, Illinois; on May 4, 2004, by Hyde Leadership Public Charter School, Washington, DC; and on June 30, 2004, by Sacred Heart School, Shawano, Wisconsin, ARE DENIED. In addition, their requests to waive the 60-day time limit in which to file an appeal ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁴ 47 C.F.R. § 1.3; *see Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁵ *See Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610, 25612-25613, para. 8 (Com. Car. Bur. 2000).

⁶ *Request for Waiver by Duncan Public Library, et al, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-325536, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 22430, 22431, para. 3 (Wireline Comp. Bur. 2003); *Request for Review by Danbury Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.04-13-00.31900001, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 10910, paras. 4-5 (Com. Car. Bur. 2001).

⁷ *Request for Review by East Brunswick Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-276585, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 19274, para. 6 (Com. Car. Bur. 2001) (denying waiver request in case when employee handling forms resigned due to illness and new person did not know requirements); *Request for Review by St. Mary's Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.12-07-99.02000002, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 12936, 12938, para. 5 (Com. Car. Bur. 2001) (denying a waiver request to the extent it is requested due to misunderstanding of the program rules.); *Request for Waiver by Midland School District, Pleasant Plains, Arkansas, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-269321, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 17920 (Com. Car. Bur. 2001).